

JNFS/T

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKEDWARD SAWYER, on behalf of himself and all  
others similarly situated

Plaintiff,

v.

CITIMORTGAGE, INC.,

Defendant.

: ECF Case

: No. 08 Civ. 00222 (BSJ)

: **STIPULATION AND ORDER**

WHEREAS plaintiff Edward Sawyer ("Plaintiff") filed and served a summons and complaint in the Supreme Court of the State of New York, New York County, on December 21, 2007, alleging *inter alia* that a nationwide class of plaintiffs should be certified;

WHEREAS defendant CitiMortgage, Inc. ("CMI") filed and served a notice of removal pursuant to the provisions of the Class Action Fairness Act ("CAFA") (28 U.S.C. §§ 1332, 1441 and 1446), on January 10, 2008;

WHEREAS, the parties agreed to extend the date for plaintiff to move to remand so as to allow the parties time to pursue informal discovery as to the applicability of the CAFA jurisdictional exceptions; and

WHEREAS, the parties subsequently engaged in this informal discovery and, in lieu of motion practice seeking remand, the parties have agreed to stipulate to a remand, with each party to bear its own fees and costs;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties, that this case should be remanded to the court in which this action was originally filed, the Supreme Court of the State of New York, New York County, with each party to bear its own costs and fees of litigation in this Court.

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IT IS FURTHER STIPULATED AND AGREED, by and between the undersigned counsel for the parties to the above-captioned action, that upon remand, CMI shall have until August 25, 2008 to file its answer or other responsive pleading.

Dated: New York, New York  
July 10, 2008

SANFORD WITTELS & HEISLER, LLP

By: Steven L. Wittels  
Steven L. Wittels, Esq.

950 Third Avenue, 10th Floor  
New York, New York, 10022  
T: (646) 723-2454  
swittels@nydclaw.com  
*Attorneys for Plaintiff*

MAYER BROWN LLP

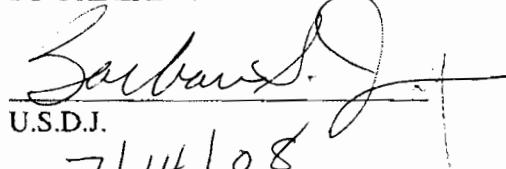
By: Kwaku A. Akowuah  
Kwaku A. Akowuah, Esq.

1675 Broadway  
New York, New York 10019  
T: (212) 506-2187  
kakowuah@mayerbrown.com

*Of Counsel:*

Lucia Nale  
71 South Wacker Drive  
Chicago, Illinois 60606  
T: (312) 701-7074  
lnale@mayerbrown.com  
*Attorneys for Defendant*

SO ORDERED:

  
U.S.D.J.  
7/14/08